

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KATHLEEN M HOUSE,)
Plaintiff,) No CV98-5262FDB
vs) PLAINTIFF'S PETITION
THE STATE OF WASHINGTON,) FOR REIMBURSEMENT
and THE WASHINGTON STATE) OF COSTS
DEPARTMENT OF FISH AND)
WILDLIFE,)
Defendants)

CV 98-05262 #00000077

Noted by Clerk 1/18/02

Petition for Payment of Costs under the Plan of the United States District Court for the Western District of Washington at Seattle for the Representation of Pro Se Litigants in Civil Rights Actions

Comes now the plaintiff and petitions the court for payment of the cost for transcription of five depositions and two hearings Plaintiff requests payments of these costs pursuant to Section 5 (a) and (b) of the United States District Court for the Western District of Washington at Seattle for the Representation of Pro Se Litigants in Civil Rights Actions Section 5 states in relevant part

PLAINTIFF'S PETITION FOR
REIMBURSEMENT OF COSTS

-1-

KATHLEEN HOUSE, PRO SE

77

1
2 "(a) The appointed attorney or the firm with which the attorney is affiliated shall
3 request the *pro se* litigant to provide reimbursement for the costs incurred in
4 litigating the action to the extent that the litigant is able to bear such costs. If the
5 litigant is unable to do so, the appointed attorney or the firm with which the
6 attorney is affiliated may apply for reimbursement of reasonable expenses to the
7 Western District Court Civil Rights Litigation fund as specified in Section 5(b)
8 [](b) If the litigant is unable to bear the costs of the litigation, the attorney may
9 apply for reimbursement of reasonable expenses to the Western District Court
10 Civil Rights Litigation Fund formed for the purpose, *inter alia*, of providing
11 monies for this purpose "

12
13 Although plaintiff is not an attorney, plaintiff's case was considered worthy of two
14 appointments of counsel by the court. Had appointed counsel represented plaintiff in
15 accordance with the Western District's Plan, plaintiff's counsel would have been able to
16 apply for reimbursement in accordance with the above referenced section. The selection
17 made in plaintiff's second appointment of counsel chose not to reply at all to Judge
18 Coughenour's directive concerning his appointment. Plaintiff was responsible for neither
19 of these attorney's failures to abide by the directives of the court. Plaintiff is unable to
20 bear these costs herself due to defendants' retaliatory acts in eliminating plaintiff's
21 position, denying plaintiff's reemployment, and preventing plaintiff's employment in her
22 profession by employers other than the defendant. In contrast, coverage of all costs for
23 the defendant State of Washington is mandated by law, paid for at public expense and
24 unlimited. Plaintiff therefore respectfully petitions the court *pro se* for reimbursement of
25
26

27 PLAINTIFF'S PETITION FOR
28 REIMBURSEMENT OF COSTS

1 these costs

2 Plaintiff seeks reimbursement of the costs of transcriptions of five depositions

3 taken in 1998. These depositions are necessary for plaintiff to survive summary

4 judgment, to support plaintiff's motion to compel discovery and to prove essential

5 elements of plaintiff's case. The depositions of Tom Owens and Penny Cusick contain

6 statements directly contradictory to those given by these same deponents in sworn

7 statements in the related discrimination case, C97-5708FDB. This is evidence of perjury

8 and pretext. The depositions also contain admissions by the deponents directly relevant

9 to plaintiffs claims of retaliation and on-going discrimination. Penny Cusick's second

10 deposition contains an admission that plaintiff's supervisor kept a "shadow" personnel file

11 of fabricated complaints about plaintiff in his desk. This deposition also contains

12 admissions concerning an incident fabricated by a coworker, and antedated and used by

13 Ms. Cusick in sworn testimony to justify the retaliatory use of a performance evaluation. It

14 contains as well clear evidence that a complaint plaintiff made against a coworker,

15 previously settled in plaintiff's favor, was re-investigated and reversed following plaintiff's

16 filing an EEOC complaint that specifically mentioned that coworker. The deposition also

17 contains clear evidence that this complaint by plaintiff was handled by her division in a

18 27 PLAINTIFF'S PETITION FOR

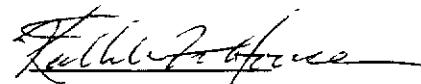
28 REIMBURSEMENT OF COSTS

1 different and retaliatory manner in comparison with that of the coworker whose fabricated
2
3 complaint Ms Cusick presented as evidence under oath Ms Cusick's first deposition
4 contains sworn statements that directly contradict sworn statements given before a
5
6 Personnel Board hearing in 1995 concerning plaintiff's interactions with her coworkers and
7 her first supervisor, Tom Owens Tom Owens deposition states, in direct contradiction to
8 his deposition given in the motion for summary judgment in the above referenced case
9 and in his performance evaluation of plaintiff, that he had had no problems with plaintiff's
10 work and that she had not experienced problems with coworkers Karen Dickerson's
11 deposition states that she had experienced retaliation by her supervisor, Penny Cusick, for
12 opposing unethical practices by Ms Cusick Ms Dickerson's deposition also testifies to
13 the hostile environment created in Ms Cusick's division following plaintiff's opposition to
14 retaliatory acts by her first and second supervisors The deposition of Don Chase
15 contains evidence concerning technical assistance given to plaintiff's male coworkers and
16 denied plaintiff This evidence contradicts statements made in depositions by plaintiff's
17 first and third supervisors in the above-referenced case

23 Plaintiff petitions the court as well for reimbursement for the costs of transcription
24
25 of the tapes of two hearings before the State Personnel Board the 1995 appeal hearing
26 of a retaliatory performance evaluation given by Tom Owens in 1994, and the 1998
27 PLAINTIFF'S PETITION FOR
28 REIMBURSEMENT OF COSTS -4- KATHLEEN HOUSE, PRO SE

1
2 hearing of plaintiff's appeal of the elimination of her position via a pretextual reduction in
3 force in 1997. The tapes of these hearings contain statements by Ms. Cusick that directly
4 contradict statements made by herself and Tom Owens in the above referenced
5 depositions. The 1998 hearing also contains clear evidence of the pretextual nature of
6 the elimination of plaintiff's position
7
8

9 Costs for transcription of the above referenced depositions are approximately
10 \$916. Costs for transcription for the above referenced hearings are approximately \$525
11
12 Plaintiff respectfully requests reimbursement by the court for these costs in accordance
13 with the Plan of the United States District Court for the Western District of Washington at
14 Seattle for the Representation of Pro Se Litigants in Civil Rights Actions, Section 5 (a,b)
15
16 Dated this 28th day of December, 2001

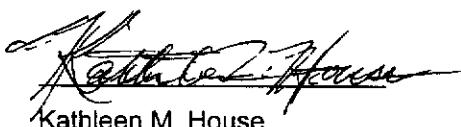


Kathleen M. House

Plaintiff Pro Se

19 Statement of Service
20
21

I certify that I have served a copy of the attached
Petition for Reimbursement of Costs
on defendant's attorney by leaving same at defendant's
office at 905 Plum Street, SE, Building 3, Olympia,
Washington on December 28th, 2001


Kathleen M. House

27 PLAINTIFF'S PETITION FOR

28 REIMBURSEMENT OF COSTS